



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/758,220

01/16/2004

Tatsuya Mitsugi

Q79265

5741

23373 7590 02/25/2008  
SUGHRUE MION, PLLC  
2100 PENNSYLVANIA AVENUE, N.W.  
SUITE 800  
WASHINGTON, DC 20037

EXAMINER

WHIPPLE, BRIAN P

ART UNIT

PAPER NUMBER

2152

MAIL DATE

DELIVERY MODE

02/25/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/758,220	<b>Applicant(s)</b> MITSUGI ET AL.	
	<b>Examiner</b> Brian P. Whipple	<b>Art Unit</b> 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. Claims 1-18 are pending in this application and presented for examination. Claims 10-18 were added by Applicant's amendment filed on 12/13/07.

### *Response to Arguments*

2. Applicant's arguments filed 12/13/07 have been fully considered but they are not persuasive.

3. As to claim 1, Applicant argues Blahut does not disclose or suggest any storage means for storing array data that indicates a correspondence between one of a plurality of different pieces of information to be transmitted and at least an identifier identifying one of said plurality of information processing apparatus. Applicant is directed to [0020] of Blahut. It may be interpreted that, to maintain a count of active TVs watching a selected program, an identifier must be present for each TV. Otherwise, it would not be possible to differentiate between televisions in order to obtain an accurate count (as opposed to counting the same television twice, etc.). Blahut discloses that a remote control ID (the remote corresponding to a television) exists, for one example of such identifiers in the Blahut system.

4. As to claim 1, Applicant argues Blahut explicitly states that only the count of how many TVs are receiving the selected program channel number is updated. Examiner feels the applicant is misinterpreting the intended meaning of this excerpt. It is clear reading the whole of [0026] that Blahut is stating that only the count of TVs is updated if another TV is playing the selected program as opposed to initiating a new separate feed for the program from upstream. Blahut is not saying that the count is updated as opposed to all other storage of identifiers, etc. Clearly, the identifier may be interpreted as being communicated for the same reasons as in the preceding paragraph.

5. As to claim 1, Applicant argues Blahut does not disclose transmitting specific information to which the identifier is added as the selected video channel does not have any identifier added onto it. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Specifically, claim 1 merely claims "adding the identifier associated with said instruction to the specific information associated with said instruction" and "transmitting the specific information to which the identifier is added." Giving the broadest reasonable

interpretation, this may be interpreted as tracking a corresponding identifier for an entity requesting a program, and then providing the program to the identified entity. The claim is not specific enough to require that the identifier be embedded in the program as argued by Applicant. Blahut discloses adding identifiers of televisions viewing a selected program and providing the program to the identified televisions in response. Clearly the identifier must be present in order to properly feed the programs to the units.

6. As to claim 1, Applicant argues against interpreting that Blahut discloses the claimed common connection line. Applicant is reminded that Official Notice was relied upon in the case the applicant disagrees regarding Blahut's inclusion or exclusion of a common connection line. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Examiner has expanded on the Official Notice by providing a specific prior art below. The 102(b) portion of the dual rejection is being withdrawn as well. Therefore, the inclusion or exclusion of a common connection line by Blahut is a moot point.

7. As to claim 3, Applicant's arguments are addressed by the Examiner's response to the arguments regarding claim 1 above.

8. As to claim 4, Applicant argues the transmission is not done according to predetermined transmission time units. Clearly, since the transmitted materials are television programs, transmission occurs according to predetermined units of time, as television programs are of a finite, set, scheduled time duration.

9. As to claim 7, Applicant's arguments are addressed by the Examiner's response to the arguments regarding claim 1 above.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-18 are rejected under 35 U.S.C. 103(a) as obvious over Blahut, E.P.

Publication No. 1,071,288 A2, in view of what was well known in the art, support provided by Magendanz et al. (Magendanz), U.S. Patent No. 7,136,042 B2.

12. As to claim 1, Blahut discloses an information transmission apparatus (Fig. 3, items 106 and 309; [0012], ln. 1-5; [0019], ln. 1-8; Col. 8, ln. 11-15; The ONU 106 transmits television programs via the RF Combiner 309.) comprising:

request analyzing means for receiving an instruction including both a request for transmission of specific information (Fig. 3, items 301-302; Col. 7, ln. 41-45; The RF Receiver 301 receives a request for a selected channel from the remote control.) and an identifier from one of a plurality of information processing apparatus connected with said information transmission apparatus (Fig. 3, item 301; Col. 7, ln. 24-27; The ID for the remote control used to transmit the request is sent to the RF Receiver 301.), said identifier identifying said information processing apparatus that has made the transmission request (Fig. 3, item 301; Col. 7, ln. 24-27; The ID for the remote control used to transmit the request is sent to the RF Receiver 301.) and said plurality of information processing apparatus having their respective identifiers (Col. 7, ln. 24-27), and for analyzing the specific information to be transmitted and the identifier associated with said instruction (Fig. 3, items 301-302; Col. 7, ln. 24-27 and 38-45; The transmission request is analyzed to determine if any televisions are viewing the

selected channel. If so, a count is maintained of how many televisions are viewing the selected channel. If not, a request is made to obtain the selected program from a video server.);

storage means for storing array data indicating a correspondence between one of a plurality of different pieces of information to be transmitted and at least an identifier identifying one of said plurality of information processing apparatus (Col. 7, ln. 38-41; A table maintains information related to a selected channel and the televisions tuned to the selected channel.);

information adding means for adding the identifier associated with said instruction to the specific information associated with said instruction by referring to said storage means based on analysis results from said request analyzing means (Fig. 3, items 301-302; Col. 7, ln. 24-27 and 38-45; [0026]; The transmission request is analyzed to determine if any televisions are viewing the selected channel. If so, a count is maintained in a look-up table of how many televisions are viewing the selected channel.);

information transmission means for transmitting the specific information to which the identifier is added to the information processing device which has provided said instruction to said information transmission apparatus (Fig. 3, items 106 and 309; [0012], ln. 1-5; [0019], ln. 1-8; Col. 8, ln. 11-15; The ONU 106 transmits television programs via the RF Combiner 309.).



Blahut does not necessarily disclose that transmission requests are received by way of a common connection line as claimed. However, this is extremely well known in the art. Additionally, the ONU 106 receives transmission requests from a plurality of remote controls and this may be thought of as a common connection. In fact, wireless communications may be seen as being motivated by the same goal of a single common connection line, that of minimizing the need for hardware.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Blahut by using a common connection line to enable a plurality of devices to contact the information transmission apparatus through a minimal amount of connections, for the purpose of eliminating redundant hardware.

Expanding upon this citation of Official Notice, the examiner is here providing explicit support by Magendanz's disclosure of a plurality of displays connected via a single cable (Abstract).

Blahut discloses an array storing data indicating a plurality of different pieces of information to be transmitted and at least an identifier identifying one of said plurality of information processing apparatus (as discussed above), but does not necessarily disclose an array storing such arrays. However, the cable television industry and infrastructure is widespread. If the ONU of Blahut's teachings were utilized, it would be extremely obvious to maintain a plurality. Thus, a plurality of arrays related to selected programs will be

Art Unit: 2152

maintained across the cable industry and it would be obvious to store information related to these arrays, as arrays are frequently used in the cable and networking industries for the purposes of easy storage and look-up of data.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Blahut by storing array data about arrays as is well known in the art for the purpose of using a standard means of storing and allowing look-up of data on arrays.

13. As to claim 2, Blahut and what is well known in the art disclose the invention substantially as in parent claim 1, including said request analyzing means receives instructions indicating a request for transmission of identical specific information from two or more of said plurality of information processing apparatus, said information adding means adds two or more identifiers associated with said instructions to the identical specific information associated with said instructions (Col. 7, ln. 38-41; The look-up table stores the active number of televisions tuned to a selected channel. Therefore, if two televisions request transmission of the same data, the remote IDs for both are stored in the look-up table.).

14. As to claim 3, Blahut and what is well known in the art disclose the invention substantially as in parent claim 1, including when receiving an instruction indicating a

request for transmission of specific information, said request analyzing means adds only an identifier associated with said instruction to said array data if a correspondence between the specific information associated with said instruction and at least one identifier is included in the array data stored in said storage means (Abstract, ln. 18-27; Col. 7, ln. 38-41; If a transmission request is received for a selected channel that is already being supplied by the video server to a connected television, the program need not be added to the look-up table, and instead the count of active televisions for the selected channel may be incremented via the addition of the remote ID for the requesting device.), and adds both identification information identifying the specific information and the identifier, which are associated with said instruction, to said array data if no correspondence between the specific information associated with said instruction and at least one identifier is included in the array data (Abstract, ln. 18-27; Col. 7, ln. 38-45; If the selected program is not present in the look-up table, due to no active televisions being tuned to the selected program, a request is made to the video server. Thereafter, the requesting television would be stored in the look-up table as the one active television supplying the selected program; thus the device ID and data ID would be stored in an array.).

15. As to claim 4, Blahut and what is well known in the art disclose the invention substantially as in parent claim 1, including when transmitting two or more of different

pieces of specific information, said information transmission means performs time division processing according to a number of different pieces of specific information to be transmitted and then transmit them in units of a predetermined transmission unit time (Fig. 1 and 3; [0020]; it is inherent in the distribution of television programs by a provider that two or more different pieces of information, programs, will be requested and transmitted according to time).

16. As to claim 5, the claim is rejected for the same reasons as claim 4 above.

17. As to claim 6, the claim is rejected for the same reasons as claim 4 above. Television programming is inherently transmitted in frames at a set transmission rate.

18. As to claim 7, the claim is rejected for the same reasons as claim 1 above (see the discussion of wireless, what is well known in the art, and Magendanz's disclosure of a common connection via a single cable). Additionally, Blahut discloses common connection via a single cable (Fig. 1, item 109; [0014], ln. 3-5; Col. 6, ln. 1-2).

19. As to claim 8, the claim is rejected for the same reasons as claim 1 above. Additionally, Blahut discloses a video storage server (Fig. 2, item 201; Col. 5, ln. 49-53).

20. As to claim 9, the claim is rejected for the same reasons as claim 1 above.
21. As to claim 10, the claim is rejected for similar reasons to claim 2 above.
22. As to claim 11, the claim is rejected for similar reasons to claim 3 above.
23. As to claim 12, the claim is rejected for similar reasons to claim 4 above.
24. As to claim 13, the claim is rejected for similar reasons to claim 5 above.
25. As to claims 14-18, the claims are rejected for similar reasons to claim 7 above.

***Conclusion***

26. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Additionally, the examiner's addition of Magendanz to the prior art rejection is proper in that it is being provided to show that the reliance upon Official Notice in the original Office action was proper. See MPEP § 2144.03(D). Accordingly, **THIS ACTION IS**

**MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian P. Whipple whose telephone number is (571)270-1244. The examiner can normally be reached on Mon-Fri (8:30 AM to 5:00 PM EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian P. Whipple  
/B. P. W./  
Examiner, Art Unit 2152  
2/17/08

/Bunjob Jaroenchonwanit/  
Supervisory Patent Examiner, Art Unit 2152